

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**

IN RE:

**KERYNN D. POOLE**

Debtor(s)

Case No. **24-20570-DER**  
Chapter 13

**MOTION TO DISMISS AND**  
**NOTICE OF AN OPPORTUNITY FOR A HEARING**

Rebecca A. Herr, Chapter 13 Trustee in this case, moves this honorable court to dismiss this bankruptcy case pursuant to 11 U.S.C. section 521 (e) (2) (A) for failure to provide a copy of the most recent Federal tax return, or a transcript of such return, for the most recent tax year ending immediately before the commencement of the case, 11 U.S.C. section 1307 (c) (1) for unreasonable delay which is prejudicial to creditors, 11 U.S.C. section 1326 (a) (1) for failure to commence making chapter 13 plan payments, without excuse, and for reasons states:

1. That the Debtor filed this chapter 13 case on or about **December 16, 2024** under the requirements of the Bankruptcy Abuse Protection and Consumer Protection Act of 2005.
2. That the Debtor was required, under 11 U.S.C. section 521 (a) (1) (B) (iv) to provide the Trustee with copies of all income documents or other evidence of payment received within 60 days before the date of filing of the petition, and section 521 (e) (2) (a), to provide the Trustee with a copy of the Federal and State tax returns or a transcript of such returns, for the most recent tax year ending immediately before the commencement of the case, or 2023, no later than seven (7) days before the first date set for the first meeting of creditors.

3. That the first date set for the meeting of creditors was **January 30, 2025**. No tax returns were provided before or on that date and the first meeting was not conducted.
4. The Trustee notified the Debtor in a letter and an attached document request list dated **January 13, 2025** of the required documentation to be provided to the Trustee with income documents and tax returns no later than 7 days prior to the meeting of creditors. **The Debtor has filed two previous bankruptcy cases, 23-17430 which was dismissed for other reasons and 21-16690, which was dismissed for failure to make plan payments. Thus, the debtor is no stranger to the bankruptcy process and knows that he/she has certain responsibilities in order for the case to move forward.**
5. That pursuant to 11 U.S.C. section 521 (e) (2) (B), this Honorable Court shall dismiss this case for the reasons set forth above, “. . . unless the debtor demonstrates that the failure to do so is due to circumstances beyond the control of the Debtor.” That as of this date, the Trustee has received no explanation for the Debtor’s failure to comply with this requirement.
6. Further, the Debtor has failed to commence making chapter 13 plan payments pursuant to 11 U.S.C. section 1307 (c) (4) as required in section 1326. As of this date **\$6,300.00** is due, a total of **three (3)** plan payments.
7. That the Debtor has failed to perform the requirements of a chapter 13 debtor as required pursuant to 11 U.S.C. § 521 (e) (2) (B), having failed to provide the most recent year tax return, and 11 U.S.C. § 1307 (1) for unreasonable delay which is prejudicial to creditors, having failed to commence making plan payments pursuant to 11 U.S.C. section 1326 (a) (1), and for failure to cooperate with the Trustee.

WHEREFORE, for the reasons set forth above, the Trustee moves that the subject case be dismissed and for other relief as this Honorable Court deems just and equitable.

Date: April 3, 2025

/s/ Rebecca A. Herr

Rebecca A. Herr (Fed. Bar No. 29298)  
Chapter 13 Trustee  
185 Admiral Cochrane Dr. Suite 240  
Annapolis MD 21401  
[bherr@ch13md.com](mailto:bherr@ch13md.com)

**NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

You are notified that the Trustee is requesting that the subject case be dismissed pursuant to 11 U.S.C. section 521 (e) (2) (B) and section 1307 (c) (1). You are further notified that unless a responsive pleading is filed with the Court stating facts which controvert, justify or explain the Trustee's allegations is filed and a copy of said pleading is served upon the Trustee **April 24, 2025** together with a request for a hearing thereon, this case will be dismissed on such date and the case will be closed.

**CERTIFICATE OF SERVICE**

I hereby certify that this motion to dismiss was served on the 3rd day of April, 2025, electronically by the Court's CM/ECF system on the following:

**Diana L. Klein** diana@klein-lawfirm.com, jenny@klein-lawfirm.com;kleindr67330@notify.bestcase.com;dianaklein5@icloud.com  
(Debtor's Counsel)

I hereby further certify that on the 3rd day of April, 2025, a copy of this motion to dismiss

was also mailed first class mail, postage prepaid to:

Kerynn D. Poole  
127 Duval Lane  
Edgewater, MD 21037  
(Debtor)

**/s/Rebecca A. Herr**

Rebecca A. Herr (Fed. Bar No. 29298)

Chapter 13 Trustee